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**MAY 15 2006**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In the application of:**

Lu-Kwang Ju

Serial No: 09/830,894

**Filed: April 27, 2001**

For: PRODUCTION OF BIOLOGICAL MATERIALS BY SIMULTANEOUS AEROBIC AND ANAEROBIC RESPIRATION

Group Art Unit: 1651

**Confirmation No: 5277**

**Examiner:** Irene Marx

**CERTIFICATE OF FACSIMILE  
TRANSMISSION**

I hereby certify that this correspondence was transmitted to the United States Patent and Trademark Office via facsimile on May 15, 2006 to phone number 571-273-8300.

Joseph J. Crimaldi  
Joseph J. Crimaldi

# NOTICE OF APPEAL

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**Sir:**

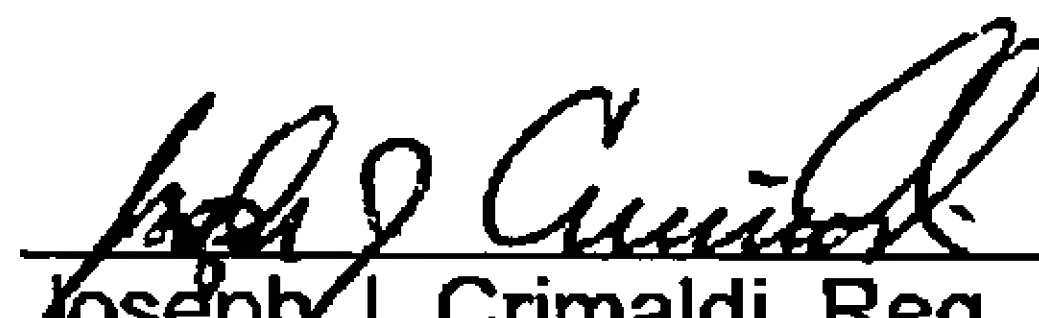
This is in response to the non-final Office Action dated February 15, 2006, for which a three (3) month period of response was given. Thus, a response is due in this case by May 15, 2006 without an extension. Accordingly, Applicant's attached Notice of Appeal is timely filed. The Commissioner is authorized to charge the small entity fee for filing a notice of appeal under 37 C.F.R. 41.20(b)(1) to Deposit Account No. 50-0959. Please reference docket number 089498.0338 when charging this account.

1346111.089498.0338

Application Number: 09/830,894  
Amendment Dated: December 30, 2005  
Reply to Office Action Dated: August 30, 2005

Although we believe no further fees are due, the Commissioner is authorized to charge any additional necessary fees to Deposit Account No. 50-0959. Again, please reference docket number 089498.0338 when charging this account.

Respectfully submitted,



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MAY 15 2006

PTO/SB/31 (04-05)

Approved for use through 07/31/2006. OMB 0651-0031

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<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional) <b>089498.0338</b>	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] 5/15/2006 on _____ Signature <u><i>Joseph J. Crimaldi</i></u> Typed or printed name <u>Joseph J. Crimaldi</u>		In re Application of <b>Lu-Kwang Ju</b> Application Number <b>09/830.894</b> Filed <b>4/27/2001</b> For Production of Biological Materials by... Art Unit <b>1651</b> Examiner <b>Irene Marx</b>	
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.			
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))		\$ <u>500.00</u>	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:		\$ <u>250.00</u>	
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>50-0959</u> . I have enclosed a duplicate copy of this sheet.			
<input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.			
<b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>			
I am the		<u><i>Joseph J. Crimaldi</i></u> Signature	
<input type="checkbox"/> applicant/inventor.		<b>Joseph Crimaldi, Reg. No. 41,690</b> Typed or printed name	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		<b>(330)376-2700</b> Telephone number	
<input type="checkbox"/> attorney or agent of record. Registration number _____		<b>5/15/2006</b> Date	
<input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <b>Reg. No. 41,690</b>			
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>2</u> forms are submitted.			

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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